APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,706	04/24/2001	Wendy C. McArdle	bizapp1	4364

7590 09/02/2004		EXAMINER
M. Conrad Huffstutler, Jr.		MAURO JR, THOMAS J
PO Box 389	ART UNIT	PAPER NUMBER
Liberty Hill, TX 78642	2143	

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/841,706	MCARDLE ET AL.
	Examiner	Art Unit
	Thomas J. Mauro Jr.	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 April 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>24 April 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-8 are pending and are presented for examination. A formal action on the merits

of claims 1-8 follows.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Plantz et al.

(U.S. 6,088,702).

With respect to claim 1, Plantz teaches a method for using at least a pair of computers

interconnected by means of one or more networks and each provided with a typical internet

browser, a color-display screen and input devices including at least a pointing device and a

keyboard, whereby information exchange is facilitated between them utilizing a remote,

contactable website **[Plantz -- Abstract and Col. 7 lines 12-22]**, the method comprising:

(A) said first individual inputting into first computer parameters sufficient to achieve a workable network connection to said contactable website **[Plantz -- Col. 7 lines 19-22 and lines 28-31 – User navigates to appropriate server using URL for website containing Group Publishing System (GPS)]**;

(B) after establishment of a workable network interconnection, first said individual further providing inputs into first computer consisting of:

  (1.) a job identifier and password for a previously-stored, still-active-status and website-stored job file containing all prior work on said job, said identifier being associated with the password-secured job file as most-recently modified **[Plantz -- Col. 7 lines 28-33 – Identifier, i.e. user name, along with a password are entered to obtain access to active job file in GPS]**,

(C) first said individual further inputting into first computer inputs sufficient to produce one or more changes of said identified job file selected from:

(1.) original-input graphic or text elements, (2.) additional site-displayed graphic or site-displayed text files, (3.) additional executable program files capable of modifying any existing elements, (4.) reformatting, correcting or rewording of a text element and (5.) modifying color, appearance, position, spatial arrangement or form of a graphic element, using customized graphic and text tools provided at said contact site **[Plantz -- Figures 3, 8 and 12 and Col. 7 lines 34-63 – Editing, such as adding, reformatting, correcting and modifying information within projects including text and graphics is provided as part of the GPS]**;

(D) first said individual further inputting into the computer command parameters to cause the

site system to save said resulting job file in a designated portion of site memory and

exiting from said remote site **[Plantz -- Figures 3, 8 and 12, Col. 6 lines 47-53 and Col.**

7 lines 34-63 – The GPS allows various users working on a project to view/edit a

document. The document changes will be saved, i.e. stored, in order to allow others

to view the changes and make necessary corrections];

(E) at a subsequent point in time and during said active-interval for said job file, (1.) said first

individual communicates sufficient "password" data to said second user that latter may

access said stored job on a computer, (2.) second said individual further inputting into

second computer said "password" and sufficient other selection parameters to cause said

site to display said job file anti permit a full range of creative actions including but not

limited to editing, printing, emailing, (3.) said second individual further inputting text,

options, elections and selections as desired to interact with said job file, (4.) upon

completion of said interaction steps, said second individual providing computer inputs

sufficient to cause said site system to save changed job file in a designated portion of site

memory and upon completion of the save, exiting from said remote site, whereupon

subsequently said first, second or both or other designated individuals may continue to

interact repeatedly and sequentially with said job file using said computers and said

contactable site. **[Plantz -- Figures 3, 8 and 12, Col. 6 lines 47-53, Col. 7 lines 28-63**

and Col. 8 lines 20-30 – Users receive username and password information from

other users previously in order to input the information to access the GPS. In

addition, all users can edit, such as add, reformat, correct or modify information

within projects including text and graphics upon which the document is stored to

allow others, at various other times and repeatedly, to view/change and make any

necessary corrections to the project];

With respect to claim 3, this is a method claim similar to the method claimed in claim 1.

It has very similar limitations; therefore, claim 3 is rejected under the same rationale.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al.

(U.S. 6,295,058).

Regarding claim 2, Hsu teaches the invention substantially as claimed, an online system

for creating and exchanging electronic images-messages, including an Internet-connectable

remote computer system provided with a website system for online interactive image-message

creation and communication-message exchange between users of said website **[Hsu -- Abstract
and Col. 3 lines 12-28]**, said website system comprising:

(a) a server comprising at least a digital memory store with connected processor and having

graphic-management programs removably rigged therein **[Hsu -- Col. 4 lines 35-43 – Server

contains hard disk, memory and inherently a processor]**,

(b) a user-friendly online screen-prompt environment which facilitates user's access to an array

of manipulation tools and an array of predetermined graphic resources, said tools and resources

engageable by a keyboard and/ or known pointing device for creating images and sending

electronic messages containing images and other data formats, said resources including one or

more topical image categories, each said category including at least one displaceable background

graphic, one or more displaceable main graphic elements and other linkable files including but

not limited to animation, audio, video each said file being provided with a distinctive,

displaceable icon, said resources further including certain user specific data selected from: (1)

one or more address books containing addresses for persons belonging to a selected class or

possessing certain interests whose interests may be similar to those of the user, (2) a user-related

personal database and (3) other personal data, said tools including at least preview and send

functions **[Hsu -- Figure 6, Col. 4 lines 2-18 and Col. 6 lines 25-62 – User is able to create

and send electronic multimedia messages or electronic cards containing a template, i.e.

background graphic, and various images which allow a user to drag and drop and

manipulate graphics and then send them using convention electronic mail]**;

(c) a short-term dynamic image memory for drag-and-drop electronic image creation steps and

data manipulation including handling: (1) one or more said topical background canvases and (2)

one or more said topical elements, said topical elements including but not limited to text,

graphics, animations, sounds and video clips to be placed upon or associated with said

backgrounds **[Hsu -- Figures 3 and 4, Col. 4 lines 36-38 and Col. 6 lines 59-62 – Short term**

dynamic image database, i.e. project memory, stores multimedia for a given design

template created by a user];

(d) a long-term user memory for storing an array of user-specific information, said database

having provisions for indexing and storing any type of electronic information including one or

more of: user's contact data files, user's browser type user electronic address books and other

electronic media files containing still graphics, text, data, animation, audio and video **[Hsu --**

Col. 6 lines 37-54 – System contains design templates along with multimedia data files

containing graphics and various other audio/video files. It is required that the system

contain this long-term information which allows the user to retrieve and use these

graphics/files for building the messages/cards]; and

(e) sufficient designated memory space to store user-related database records on messages for

immediate transmission or for storage including: (1) details of every real-time or online

transmission including time, site, address, message size and (2) for storing complete messages in

addition to attachments being held in draft form or for transmission at a designated future

date-time **[Hsu -- Col. 1 lines 60-67 – Col. 2 lines 1-15, Col. 4 lines 1-18 and lines 36-38 and**

Col. 6 lines 59-62 – Electronic mail (email) is used to send the stored card output files from

memory to various recipients. It is obvious that because email is used details of the

messages will be kept along with the actual message and any attachments, just as done in

all well-known email environments].

Hsu, while teaching a memory for storing graphics and files, fails to explicitly teach wherein the memory is a database.

Databases were notoriously well known in the art and widely used as a data structure for holding and organizing information.

Therefore, because the information is already stored, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the use of a database as the storage mechanism into the invention of Hsu, in order to provide a common data structure for organizing and storing data which needs to be accessed rapidly for use.

Regarding claim 5, Hsu teaches the invention substantially as claimed, as aforementioned in claim 3 above, including wherein the collaboration result is a greeting card sent to one or more user-selected recipients and the information-exchange method involves a single individual creating said card by selecting site-available graphics and text **[Hsu -- Col. 4 lines 1-18 and Col. 6 lines 37-54 – User creates electronic card, i.e. greeting card, using graphics and text]**.

6.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. (U.S. 6,295,058), as applied to claim 2 above, in view of Plantz et al. (U.S. 6,088,702).

Regarding claim 4, Hsu teaches the invention substantially as claimed, as aforementioned in claim 2 above, including wherein said website system includes site-unique programs adapted

to perform an array of image-generation steps, said programs providing image-manipulation

capabilities further comprising:

(a) providing user with an online access to the following site-generated pages: (al) image

creation page linked to an image database and (a2) one or more send pages linked to said user

graphics database; and (b) providing user with access to graphic backgrounds and elements and

allowing the user to use one of (bl) a computer mouse and (b2) other computer pointing device,

to drag and drop said elements on the said backgrounds thereby dynamically creating electronic

images **[Hsu -- Figure 6, Col. 4 lines 2-18 and Col. 6 lines 25-62 – User is able to create and**

send electronic multimedia messages or electronic cards containing a template, i.e.

background graphic, and various images which allow a user to drag and drop and

manipulate graphics and then send them using convention electronic mail];

(c) providing users with access to said send database, thereby allowing users to send said

dynamically-created images to a designated recipient via email **[Hsu -- Col. 4 lines 9-14 – Users**

can send multimedia data and electronic cards to recipients via email];

(d) providing user with access to his own previously created images by linking them with

said user database, whereby user is provided an opportunity to edit or delete previously-created

images **[Hsu -- Col. 6 lines 25-62 – Design files are stored which can allow a user to edit or**

delete or modify any of the created files];

Hsu, while teaching electronic mail, fails to explicitly teach and address book for storing user

information to allow emails to be sent to various individuals.

Plantz, however, discloses an online group collaboration system which stores personal

information, including e-mail addresses, i.e. address book/list, for emailing other collaborators

[Plantz -- Col. 6 lines 36-45, Col. 9 lines 51-53 and Col. 11 lines 6-10].

It would have been obvious to a person of ordinary skill in the art at the time the invention was

made to incorporate the listing of email addresses, as taught by Plantz into the invention of Hsu,

in order to further facilitate the communication between individuals which would allow for

easier and faster collaboration alleviating the need to look-up email addresses.

7.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plantz et al. (U.S.

6,088,702), as applied to claim 3 above, in view of Muthusamy et al. (U.S. 6,310,629).

Regarding claim 6, Plantz teaches the invention substantially as claimed, as

aforementioned in claim 3 above, but fails to explicitly teach wherein the collaboration results is

a technical graphic to specify an architectural design using site-available graphics.

Muthusamy, however, discloses a system for providing a controllable, collaborative virtual

environment for viewing architectural model information of a building which contains site

graphics pertaining to architecture **[Muthusamy -- Figure 4 and Col. 4 lines 23-39]**.

It would have been obvious to a person of ordinary skill in the art at the time the invention was

made to incorporate the controllable, collaborative virtual environment for viewing architectural

model information of a building which contains site graphics pertaining to architecture, as taught

by Muthusamy into the invention of Plantz, in order to extend the group collaboration system of

Plantz to other disciplines other than project documents, such as architecture, which can

similarly server to provide real-time synchrony between distributed users of a system to achieve

immediate conferencing or project modification **[Plantz -- Col. 4 lines 52-56]**.

8.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plantz et al. (U.S.

6,088,702), as applied to claim 3 above, in view of Van Dusen (U.S. 6,175,823).

Regarding claim 7, Plantz teaches the invention substantially as claimed, as

aforementioned in claim 3 above, but fails to explicitly teach wherein the result is a gift

certificate.

Van Dusen, however, discloses an electronic gift certificate system for creating gift certificates

and emailing them to recipients **[Van Dusen -- Figures 1 and 2 and Col. 3 lines 38-67 – Col. 4

lines 1-32]**.

It would have been obvious to a person of ordinary skill in the art at the time the invention was

made to incorporate the creation of an electronic gift certificate for emailing to recipients, as

taught by Van Dusen into the invention of Plantz, in order to extend the group collaboration

system of Plantz to other disciplines other than project documents, such as online gift

certificates, which can similarly server to provide real-time services between distributed users of

a system **[Plantz -- Col. 4 lines 52-56]** to achieve immediate receipt and redemption.

9.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plantz et al. (U.S. 6,088,702), as applied to claim 3 above, in view of Conmy et al. (U.S. 6,101,480).

Regarding claim 8, Plantz teaches the invention substantially as claimed, as aforementioned in claim 3 above, but fails to explicitly teach wherein the result is an invitation. Conmy, however, discloses an electronic scheduling system which provides for electronically mailing invitations to individuals concerning various events upon which users can accept/decline invitation **[Conmy -- Col. 5 lines 52-62 and Col. 9 lines 49-60]**.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the creation of an electronic invitation for emailing to recipients, as taught by Conmy into the invention of Plantz, in order to extend the group collaboration system of Plantz to other disciplines other than project documents, such as online invitations, which can similarly server to provide real-time services between distributed users of a system **[Plantz -- Col. 4 lines 52-56]** to achieve immediate receipt and response, i.e. accept/decline.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mauro Jr. whose telephone number is 703-605-1234. The examiner can normally be reached on M-F 8:00a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJM
August 31, 2004

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